

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Black Hills/ ) Application No. NG-0074  
Nebraska Gas Utility Company, )  
LLC d/b/a Black Hills Energy, )  
Omaha, Nebraska, seeking ap- ) HEARING OFFICER ORDER  
proval of an infrastructure sys- ) AMENDING PROGRESSION  
tem replacement cost recovery ) SCHEDULE  
charge, pursuant to Sections 66- )  
1865 and 66-1866 of the State ) Entered: August 22, 2013  
Natural Gas Regulation Act.

BY THE HEARING OFFICER:

On August 7, 2013, Black Hills/Nebraska Gas Utility Company, LLC d/b/a Black Hills Energy, Omaha, Nebraska (Black Hills) filed an application seeking approval of an infrastructure system replacement cost recovery charge, pursuant to the State Natural Gas Regulation Act, §§ 66-1865 and 66-1866 (2010).

In order to process this filing, the Commission established a progression schedule on August 13, 2013. In order to clarify response times and other issues related to the schedule, the hearing officer finds that progression schedule should be amended as contained herein. All deadlines remain unchanged.

**General Instructions and Deadlines**

A. General Instructions. All evidence to be offered at hearing, objections thereto, and responses to those objections shall be filed by the dates set forth herein. A party offering exhibits as evidence at the hearing shall provide a copy to the court reporter. All prefiled exhibits must be numbered. All pages of each exhibit shall be numbered. Parties are encouraged to limit objections and to enter into stipulations in order to facilitate the presentation of evidence and completion of this proceeding.

B. Objections. All objections to prefiled evidence shall specifically and succinctly identify the testimony or exhibit to which the objection is directed and the specific objection raised regarding each exhibit. Failure to comply with the deadlines for objections will result in waiver of the objections.

C. Service. An official service list for this matter will be established upon expiration of the period for intervention; a service list as of the date of this order is attached as Exhibit A. Service may be accomplished through electronic mail.

Parties are responsible for maintaining an accurate service list. All parties should provide an electronic copy of any discovery request and response via electronic mail or cd rom to the Department. However, such discovery requests and responses shall not be filed with the Commission. Such discovery requests and responses shall not be part of the official record unless offered and accepted as exhibits during the hearing on the application. If using electronic mail, parties should send to [rose.price@nebraska.gov](mailto:rose.price@nebraska.gov).

Parties may meet filing deadlines outlined herein by sending an electronic copy of the filing via electronic mail to [rose.price@nebraska.gov](mailto:rose.price@nebraska.gov) so long as all parties are served via electronic mail contemporaneously with the email filing and a hard copy is received by the Commission within three (3) days of the email filing.

D. Discovery. All discovery responses are due within ten (10) days of service, unless otherwise agreed to by the Parties. Applicant has stated that it will schedule a conference with the Public Advocate to discuss information that may be provided in a shorter time frame.

Parties should reference Nebraska Discovery Rules for general guidance as to the conduct of discovery. Should this order conflict with any provision of the Nebraska Discovery Rules, this order controls. Parties should make efforts to resolve any discovery disputes.

E. Exhibits and Witnesses. Parties shall file an exhibit list. All exhibits shall be appropriately marked and each page of the exhibit numbered prior to the hearing. Any party seeking to request administrative notice of any document shall provide copies of said materials at the time of the hearing.

E. Deadlines. The following schedule was adopted in an order entered by the hearing officer on August 13, 2013 and is reprinted below for convenience:

Date	Event
8/7/2013	Application Filed
45 days after filing date (9/20/2013)	Final date for discovery requests to be served by Public Advocate on Applicant
10 days after service of final discovery requests	All discovery responses from Applicant due to Public Advocate
60 days after filing (10/7/2013)	Public Advocate report due to Commission (60 <sup>th</sup> day is 10/6/2013)
(10/18/2013)	Applicant files response to report
11/1/2013	All Parties file testimony, exhibit lists, exhibits, and witness lists
11/12/2013	Hearing
12/3/2013	Last Grist for Order to be entered within 120 days (120th day is 12/5/2013)

F. Hearing Fee/Accommodations. The Applicant should arrange for a court reporter for the hearing on this matter and an expedited transcript. Therefore, the hearing fee of one hundred twenty-five dollars (\$125.00) for each half-day should be waived consistent with Commission policy.

The Commission further finds that hearing on this matter should be scheduled for November 12, 2013 at 1:30 p.m. if necessary in the Commission Hearing room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

#### O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the deadlines and requirements set forth herein are hereby adopted in the above-captioned matter.

IT IS FURTHER ORDERED that the Applicant must provide the court reporter for the hearing on this matter. Therefore, the

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hearing fee of one hundred twenty-five dollars (\$125.00) for each half-day shall be waived consistent with Commission policy.

IT IS FINALLY ORDERED that hearing on this matter will take place on **November 12, 2013 at 1:30 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

MADE AND ENTERED at Lincoln, Nebraska this 22nd day of August, 2013.

By:

  
Frank E. Landis

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